

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

NESTLÉ PURINA PETCARE COMPANY,

Plaintiff/ Counterclaim Defendant,

v.

BLUE BUFFALO COMPANY LTD.,

Defendant/ Counterclaim Plaintiff.

Case No. 4:14-cv-859-RWS

**DECLARATION OF VIVIAN STORM IN SUPPORT OF NONPARTY
THE INVUS GROUP, LLC'S MOTION TO QUASH SUBPOENA BY NESTLÉ PURINA**

I, Vivian Storm, declare and state as follows:

1. I am associated with Patterson Belknap Webb & Tyler LLP, counsel for The Invus Group, LLC (“Invus”) in this action. I am familiar with the prior proceedings in this case and with the facts and circumstances set forth below.

2. I submit this declaration in support of Invus’s Motion to Quash Subpoena by Nestle Purina.

3. Counsel for Invus conferred in good faith with opposing counsel in an attempt to resolve each of the disputes that are the subject of Invus’s motion. In addition to the correspondence attached as exhibits hereto, counsel held a telephone conference on February 23, 2015 at 3:30 pm central. I participated in this conference on behalf of Invus, and Richard Assmus participated on behalf of Nestlé Purina. After sincere efforts to resolve these disputes, counsel were unable to reach an accord.

4. Between August and December 2014, Nestlé Purina served 21 subpoenas on Blue Buffalo's ingredient suppliers and co-manufacturers seeking a wide range of documents, including documents concerning ingredients that are not at issue in this litigation.

5. In February 2015, Nestlé Purina served two additional subpoenas on agencies that assist Blue Buffalo with the placement of its advertisements and implementation of its website. To date, Nestlé Purina has issued more than two dozen third-party subpoenas in this case.

6. The following documents are attached as exhibits to this declaration:

Exhibit 1: February 12, 2015 Letter from Adeel Mangi to Richard Assmus

Exhibit 2: February 13, 2015 Letter from Richard Assmus to Adeel Mangi

Exhibit 3: Nestlé Purina's First Requests for Production

Exhibit 4: Nestlé Purina's Second Requests for Production

Exhibit 5: Nestlé Purina's Third Requests for Production

Exhibit 6: Nestlé Purina's Fourth Requests for Production

Exhibit 7: Nestlé Purina's Fifth Requests for Production

Exhibit 8: BB000121718

Exhibit 9: BB000127405¹

Executed on February 23, 2015

/s/ Vivian R.M. Storm

Vivian R.M. Storm

¹ Exhibit 8 and 9 are documents designated Confidential – Attorneys' Eyes Only under the terms of the Protective Order, and are filed under seal pursuant to that Order. *See* Stipulated Protective Order, Dkt. # 38, ¶ 12.